IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4240 of 2006()

CRA.305/2005 OF SESSIONS COURT, ALAPPUZHA
CC.176/2004 of JUDL.MAGISTRATE OF FIRST CLASS, AMABALAPUZHA

REVN. PETITIONER: APPELLANT/ACCUSED:

V.C.JOSEPH, AGED 54,
S/O.CHACKO, VAZHAPARAMPIL VEEDU,
EDATHUA, KUTTANADU TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.MAURICE VINCENT

RESPONDENTS: RESPONDENTS/COMPLAINANT& STATE:
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1. K.T.THOMAS,
KANDATHIL PARAMBIL HOUSE,
KUNTHIRICKAL P.O., THALAVADY, KUTTANADU TALUK,
ALAPPUZHA DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.P.G.GOPINATHAN NAIR
R2 BY PUBLIC PROSECUTOR SRI.KAMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 4240 OF 2006

Dated this the 30th day of November,2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo imprisonment for six months and was directed to pay a sum of Rs.90,000/- as compensation to the complainant and in default of payment of compensation, to undergo simple imprisonment for thirty days. On appeal by the accused, the Appellate Court confirmed the conviction, but modified the sentence of imprisonment as simple imprisonment for three months. The compensation amount was enhanced to Rs.91,000/- and in default of payment of compensation, the petitioner was sentenced to undergo simple imprisonment for a period of two months.

2. Crl.M.A. No.12268 of 2006, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable Instruments Act was allowed.

Accordingly, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 12268 OF 2006

Dated this the 30th day of November,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the first respondent/ complainant. It is stated that the matter is settled between the parties and that the complainant has received the amounts due to him. Accordingly, the application is allowed.

(K.T.SANKARAN)
Judge

ahz/